

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT NOEL,

Plaintiff,

vs.

Civil Action No. 13-cv-10533

HON. BERNARD A. FRIEDMAN

MAG. JUDGE R. STEVEN WHALEN

ANDREW CARLSON, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the Magistrate Judge R. Steven Whalen's Report and Recommendation ("R&R") dated February 18, 2014 [docket entry 24]. The R&R recommended that the Court grant defendants' motion and renewed motion to dismiss the complaint [docket entries 14 and 17]. Neither party filed an objection pursuant to Fed. R. Civ. P. 72(b)(2).

This Court had an opportunity to fully review this matter and believes that the magistrate judge reached the correct conclusions for the proper reasons. Plaintiff's amended complaint must be dismissed because the actual name of the 911 caller was immaterial to the determination of whether probable cause supported the issuance of the warrant to search plaintiff's residence. Furthermore, the remaining police officer defendants properly relied upon that warrant when they executed a search of the home. See Yancey v. Carroll County, 876 F.2d 1238, 1243 (6th Cir. 1989).

Accordingly,

IT IS ORDERED that Magistrate Judge R. Steven Whalen's R&R dated February 18, 2014, is hereby accepted and adopted.

IT IS FURTHER ORDERED that defendants' renewed motion to dismiss the amended complaint is granted.

IT IS FURTHER ORDERED that defendants' initial motion to dismiss the complaint is denied as moot.

Dated: March 10, 2014

Detroit, Michigan

S/ Bernard A.
Friedman_____

BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE